

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

TAYLOR CAROLINE WINTERS,

PLAINTIFF,

VS.

CIVIL ACTION NO. 3:08CV010-P-A

**THE ALPHA PSI CHAPTER OF
DELTA GAMMA FRATERNITY,**

DEFENDANT/CROSS-PLAINTIFF

**YOKNAPATAWPHA ARTS
COUNCIL, INC.,**

CROSS-DEFENDANT.

ORDER

This matter comes before the court upon Defendant Delta Gamma's motion for referral to private mediation, or alternatively, a judicial settlement conference [119]. After due consideration of the motion, the court finds as follows, to-wit:

Local Rule 83.7(D)(1) provides that "[t]he determination of whether a matter should be referred for mediation is addressed to the sound discretion of the judicial officer assigned to the case." Having considered Delta Gamma's motion and the record, the court concludes that this case should be referred for mediation with U.S. Magistrate Judge Jerry Davis.

Rule 83.7(E)(1) provides:

If the court determines that a case is appropriate for referral to mediation, the court shall enter an order directing the parties to schedule and complete a mediation conference as set forth in these rules within such time frame as the court may specify. Within ten days of the entry of the order of referral, a party may file a written objection to the referral order, stating concisely the reasons the case should not be referred for mediation. The objection shall be served on all parties. The court may rule on any objection without a hearing or, in its discretion, may conduct a hearing either in person or by telephone.

Rule 83.7(E)(6) provides:

Upon the court's entry of an order referring the case to mediation, and upon all objections having been disposed of by the court, the parties shall have a period of twenty days from the date of entry of the court's final order to schedule the mediation. If the parties are unable to schedule the mediation within the twenty-day period or to agree on a date and/or a mediator, the court shall assign a mediator and shall order the date, time, and place for the mediation, which shall be binding on the parties.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant Delta Gamma's motion for referral to private mediation, or alternatively, a judicial settlement conference [119] is **GRANTED**; therefore,

(2) All parties, including Yoknapatawpha Arts Council, Inc., shall contact U.S. Magistrate Judge Jerry Davis by February 24, 2009 to schedule a mediation;

(3) Alternatively, in the event a party wishes to file objections to this referral, it shall do so on or before February 24, 2009 whereupon the parties need not contact U.S. Magistrate Judge Jerry Davis until further order of the court.

SO ORDERED this the 9th day of February, A.D., 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE